REMARKS

This is in response to the Office Action mailed September 3, 2008. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claims 24-36 have been cancelled as being directed to non-elected claim groups, and claims 9 and 11 have also been cancelled. Thus, claims 1-8, 10, and 12-23 remain pending in the subject application. Independent claims 1 and 16 have been amended to clarify the claimed invention. Various of the remaining dependent claims have been amended to comport with the changes made to independent claims 1 and 16. Support for the within amendments may be found at, *inter alia*, paragraphs 17-25 of the Specification.

In making the within claim amendments, Applicants are clarifying the claimed subject matter and are not acquiescing as to the validity and/or correctness of the rejections of the subject application and/or of the characterizations of the prior art in the Office Action. The within claim amendments are not intended to, and do not result in disclaimer, waiver, and/or estoppel vis-à-vis claim scope and/or equivalents.

In the Office Action, the Examiner has rejected claims 1-23 under 35 USC §102 as being anticipated by Soltis (U.S. Patent No. 7,360,072), Obara (U.S. Patent No. 7,155,492), and Cauthron (U.S. Patent Publication No. 2005/0138346). It is respectfully submitted that these rejections of the claims, as amended, are not warranted.

All claim limitations must be considered material in judging the patentability of the claims against the prior art. MPEP §2143.03; *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976); *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). In order to support a rejection under §102, each and every limitation of the reject claim must be disclosed identically

within a single unit of prior art. Furthermore, in determining the differences between the prior art and the claims, the question under 35 USC §103 is not whether the differences themselves would have been obvious, but whether the claimed combination of limitations, as a whole, would have been obvious. MPEP §2141.02; *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). Rejections based on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with factual rationale to support a *prima facie* case of obviousness. In order for that reasoning and rationale to be proper, among other things, all of the claim limitations must be taught or suggested in the art relied upon by the Examiner. MPEP §2141 III; *KSR International v. Teleflex Inc.*, 550 U.S. ___ , 82 USPQ2d 1385 (2007).

Soltis discloses an iSCSI system OS boot configuration modification. Obara discloses a method and system for caching network data. Cauthron discloses an iSCSI boot drive system and method for a scalable internet engine.

Suffice it to note that nowhere do any of the three documents relied upon by the Examiner, whether taken singly or in any combination, disclose or suggest the specific combination of features of the claimed invention, namely:

> A machine-implemented method comprising:
>
> loading in a machine a bus-to-network device driver during a machine boot, the bus-to-network device driver capable of distinguishing between received responses to machine bus commands and other network traffic, the other network traffic to be passed through a virtual network driver provided to an operating system protocol stack of the machine, the machine bus commands to be passed through a storage protocol driver, the received responses to the machine bus commands being received by the machine via a network, both the other network traffic and the received responses to be passed through the bus-to-network device driver, the bus-to-network device driver to select one of the virtual network driver

and the storage protocol driver to which to pass the received responses and the other network traffic based upon respective hardware addresses associated with the storage protocol driver and the virtual network driver. (Claim 1, as amended).

The other currently pending independent claim, as amended, contains similar limitations to the above underlined limitations of claim 1, as amended. Thus, all of the currently pending claims, as amended, contain the above underlined limitations of claim 1, as amended, or other similar limitations, either directly or by depending from one of the independent claims.

Although the claims, as amended, are not limited to or by embodiments disclosed in the Specification, in embodiments disclosed in the Specification, the above limitations of the claims, as amended, permit these embodiments to operate in a manner that is different from and advantageous compared to the technology disclosed in the three documents relied upon by the Examiner. See, e.g., Specification, paragraphs 17-25. Accordingly, since these advantageous features, among others, of the claimed invention are nowhere disclosed or suggested in the three documents relied upon by the Examiner, it is respectfully submitted that none of said documents, whether taken singly or in any combination, would anticipate or render obvious the claimed invention. Therefore, it is respectfully submitted that the Examiner's rejections under 35 USC §102 are not warranted and should be withdrawn.

In the event that the Examiner believes that a telephone interview would advance the prosecution of this application, the Examiner is invited to call the undersigned attorney to initiate an interview.

In the event that any fees are due or payable in connection with this submission or in this application (including any applicable extension of time for response fees) please charge them to

Deposit Account No. 50-4238. Likewise, please credit any overcharges to Deposit Account No. 50-4238.

Respectfully submitted,

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